



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Government Operations Committee Meeting

July 11, 2017
1:30 PM
Commission Chambers

Office of the Commission Auditor
111 N.W. First Street, Suite 1030
Miami, FL 33128
(305) 375-2524

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Item No.	Research Notes
1G1 171588	ORDINANCE RELATING TO WAGE THEFT; AMENDING SECTIONS 22-2, 22-4 AND 22-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; IMPOSING A JURISDICTIONAL LIMIT FOR COMPLAINTS; CLARIFYING THAT WAGE THEFT PROVISIONS DO NOT CREATE A PRIVATE CAUSE OF ACTION; ENHANCING PENALTIES FOR REPEAT OFFENDERS, PROVIDING FOR DISMISSAL PROCEDURES AND APPEALS; PROVIDING THAT COUNTY CONTRACTORS OR VENDORS THAT DO NOT SATISFY A FINAL ORDER MAY BE SUBJECT TO DEBARMENT OR BE DEEMED INELIGIBLE TO BID ON OR PARTICIPATE IN COUNTY CONTRACTS; EXTENDING SUCH INELIGIBILITY TO CERTAIN OFFICERS, DIRECTORS AND SHAREHOLDERS OF SUCH CONTRACTORS AND VENDORS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	<p><u>ISSUE/REQUESTED ACTION</u> Whether the Board should approve amending the County’s Wage Theft Ordinance to (1) impose a jurisdictional limit for complaints; (2) clarify that the wage theft provisions do not create a private cause of action; (3) enhance penalties for repeat offenders; (4) provide dismissal procedures and appeals; and (5) prescribe penalties for County vendors and contractors that are in violation.</p> <p><u>APPLICABLE LEGISLATION/POLICY</u> Chapter 22 of the County Code codifies the Wage Theft Ordinance, which was approved by the Board on February 18, 2010 (see Ord. No. 10-16). The ordinance was later amended on March 7, 2017 to heighten penalties for failure to comply with wage theft orders (see Ord. No. 17-14).</p> <p><u>PROCEDURAL HISTORY</u> This item was adopted on first reading at the June 20, 2017 Board meeting.</p> <p><u>ANALYSIS/FINDINGS</u> It is County policy in the exercise of its police power for public safety, health and general welfare, to eliminate and prevent wage theft. Eliminating the underpayment or nonpayment of wages earned by persons working in the County serves the public purpose of promoting economic security and dignity for those working in the County. Under the ordinance, an employee is defined as a natural person who performs work within the geographic boundaries of Miami-Dade County while being employed by an employer but does not include any bona fide independent contractor. Any employer who fails to pay any portion of wages due to an employee according to the wage rate applicable to that employee, and within a reasonable time from the date on which that employee performed the work for which those wages were compensation shall be wage theft under the ordinance.</p> <p>To file a wage theft claim, employees complete and submit an affidavit to the County’s Office of Consumer Protection. The affidavit shall establish the following: (1) work must have been performed in the County; (2) amount owed exceeds \$60; (3) the individual must be or have been an employee of the business; and (4) work must have been performed within the previous 12 months.</p> <p>Broward County has a comparable wage theft ordinance, and the State of Florida, under Section 448.110 of the Florida Statutes (State minimum wage; annual wage adjustment; enforcement), provides relief for unpaid minimum wages for aggrieved employees.</p> <p>The proposed changes to the ordinance are as follows and have been bolded:</p>

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	<p><u><i>Jurisdictional Threshold, Section 22-2</i></u> (g) >>Jurisdictional<< [[T]]>>t<>at least<< sixty (\$60.00) dollars >>, and jurisdictional limit shall mean no more than fifteen thousand dollars (\$15,000.00),<<[[sixty (\$60.00)]] dollars >>in unpaid or underpaid wages alone not including any other amounts such as sanctions, penalties, liquidated damages, fees or costs<<.</p> <p>>>Jurisdictional<< [[T]]>>t<>and jurisdictional limit<<. In order for a complaint to be submitted to >>and not summarily dismissed by<< the County by, or on behalf of, an aggrieved employee, that employee must allege a wage theft violation in which the unpaid wages are equal to no less than the >>jurisdictional<< threshold amount >>and no greater than the jurisdictional limit<<.</p> <p><u><i>Dismissal of Complaint and Right to Appeal, Section 22-4</i></u> Upon the filing of any complaint, the County shall promptly determine that the wage theft complaint alleges wage theft, names at least one respondent and meets the >>jurisdictional<>and does not exceed the jurisdictional limit<< [[criterion]]. >> Any wage theft complaint that is submitted that does not meet the requirements of section 22-4, including a failure to meet the jurisdictional threshold amount or exceeding the jurisdictional limit, shall be dismissed by appropriate County staff by providing written notice of such dismissal to the complainant. A complainant may appeal a dismissal to a Hearing Examiner by submitting a written notice of appeal of such dismissal to the County within 20 days of the date of the County’s written dismissal. If timely requested, a Hearing Examiner shall be assigned who shall only consider written submissions to evaluate whether the dismissal was an abuse of discretion.<< [[The duty of the County in determining whether a complaint meets this criterion is limited to receiving the complaint and comparing the information provided in the complaint to the criteria required herein. This determination is a ministerial act and may not be based on further investigation or the exercise of independent judgment.]]</p> <p>Upon making such determination>>that the complaint meets the requirements of section 22-4 and is not subject to dismissal, or if such dismissal is overturned by a Hearing Examiner,<< the County shall serve the complaint and a written notice on the respondent or person charged with the commission of a wage theft practice, setting forth the allegations, rights and obligations of the parties including, but not limited to, the right to a due process hearing on the matter before a Hearing Examiner and that the respondent may be responsible for the costs of the Hearing Examiner and other enforcement costs. Such service shall be by certified mail.</p> <p><u><i>Hearing before Hearing Examiner</i></u> Within fifteen (15) days after the service of the Complaint on the respondent, and after determination that the complaint meets the >>jurisdictional<< threshold >>amount and does not exceed the jurisdictional limit<< and >>meets the<< other requirements >>of section 22-4<<, any party may submit a written request for a hearing before a Hearing Examiner. The County shall appoint a Hearing Examiner that it deems to be qualified to hear wage theft matters. In conducting any hearing to determine whether a violation of this chapter has occurred, the Hearing Examiner shall have the authority to administer oaths, issue subpoenas, compel the production of and receive evidence. The Hearing Examiner shall have the authority to consolidate two or more complaints into a single hearing where such complaints name the same respondent(s) and involve sufficiently similar allegations of fact to justify consolidation. The final determination of the Hearing Examiner in wage theft matters is subject to appeal in a court of competent jurisdiction.</p>

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	<p><u>Enforcement by Private Persons</u></p> <p>(i) >>This chapter does not, and was never intended to, create a private right of action for enforcement of this chapter in court. To the extent there may be available remedies under state or federal laws to complainants under this chapter that may provide relief under state or federal law in courts or other administrative proceedings, it is not in the public interest to also provide the administrative procedures and remedies available under this chapter. Accordingly,<<[[I]]>>i<>under this chapter<<, or affirmatively or by consent opts to participate in any such litigation, that complainant employee's complaint of wage theft shall be deemed withdrawn with respect to any respondent employer named as a defendant in such court action. This section shall be interpreted narrowly so as to leave unaffected any cumulative rights which were not the subject of a complaint employee's complaint.</p> <p><u>Enforcement of Wage Theft Violations, Section 22-5</u></p> <p>>>(c) If the respondent has previously been found to have engaged in wage theft in the last 5 years, then in addition to the other remedies available under this chapter, the Hearing Examiner may assess additional penalties against the respondent in the amount of 20 percent above the under payment found in the current proceeding, an additional amount of 40 percent above the underpayment amount if it is a third offense, and an additional 60 percent above the underpayment amount if it is a fourth offense. Revenue received from payment of these penalties for multiple offenses imposed hereunder shall be deposited in a separate account and shall be utilized to defray costs of administering the Wage Theft provisions of Chapter 22.<<</p> <p>>>(d) A County vendor or contractor which has not paid an amount due under a Final Order issued pursuant to this chapter, in whole or in part, and its officers, directors, principals, owners, and shareholders owning a controlling interest in the vendor or contractor, shall be presumed not to be responsible to receive a County contract award. Additionally, the failure of a County vendor or contractor to satisfy a Final Order issued pursuant to this chapter may be cause for debarment under section 10-38 of this Code.<<</p> <p><u>FISCAL IMPACT</u></p> <p>No fiscal impact has been determined for the proposed amendments.</p>
1G2 171291	ORDINANCE RELATING TO PLANNING; AMENDING ARTICLE XV OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR MEMBERS OF THE PLANNING ADVISORY BOARD TO SERVE AS VICE CHAIRPERSON ON A ROTATING BASIS; MAKING TECHNICAL REVISIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE
Notes	<p><u>ISSUE/REQUESTED ACTION</u></p> <p>Whether the Board should approve amending Article XV of Chapter 2 of the County Code (Department of Planning, Development and Regulation) to provide for members of the Planning Advisory Board to serve as Vice Chairperson on a rotating basis and update the article to reflect the County's current administrative structure.</p> <p><u>APPLICABLE LEGISLATION/POLICY</u></p>

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	<p>Article XV of the County Code prescribes the structure and duties of the Department of Planning, Development and Regulation, including that of the Planning Advisory Board.</p> <p><u>RELEVANT PRECEDENT/HISTORY</u> This item was adopted on first reading at the June 6, 2017 Board meeting.</p> <p><u>ANALYSIS/FINDINGS</u> The County's Planning Advisory Board serves as the County's local planning agency and consist of 17 voting members; each County Commissioner nominates one member. The remaining four members are at-large appointments representing architecture, landscape architecture, urban design and planning and real estate fields. There are also non-voting representatives from the School Board and Homestead Air Reserve Base. The duties of the Planning Board include reviewing the proposed comprehensive plan and completing the preparation of evaluation and appraisal reports for submission to the County Commission and the State land planning agency.</p> <p>The Code provides that the Planning Advisory Board shall elect a Chairperson and such other officers as may be necessary from among its members to serve for a one-year term commencing March first. Elections are held in February of each year and each officer shall serve until his or her successor is elected. The proposed changes aim to maximize the leadership opportunities of planning members by prescribing that each voting member serves as Vice Chairperson on a rotating basis for a term of six months each. The other changes to Article XV include replacing references to the Manager with the Mayor, updating department names (e.g., replacing the Department of Planning, Development and Regulation with the Department of Regulatory and Economic Resources) and inserting technical changes (e.g., replacing references to comprehensive plan with Comprehensive Development Master Plan). According to the social equity statement provided by the Department of Regulatory and Economic Resources, the proposed ordinance is not anticipated to have any measurable social equity benefit or burden.</p> <p>The substantive changes to the Code, specifically Section 2-110, are provided below and have been bolded:</p> <p>The Planning Advisory Board shall elect a Chairperson [[and such other officers as may be necessary]] from among its >>voting<< members to serve for a one [[4]] year term commencing March >>1st of each year<< [[first]]. Elections >>for Chairperson<< shall be held in February of each year, and >>the term of the member elected shall begin at the next meeting of the Planning Advisory Board<< [[each officer shall serve until his or her successor is elected]]. >>The remaining voting members of the Planning Advisory Board shall each serve as Vice Chairperson on a rotating basis for a term of six months each, beginning with the appointee from Commission District 1 and proceeding in numerical order through the appointees from the remaining Commission Districts, followed by the four at-large appointees in order of seniority, until all sitting members have had an opportunity to serve as Vice Chairperson.<< The Director [[of Planning and Zoning]] shall be the executive director and secretary of the Planning Advisory Board. Such staff as may be necessary to assist and advise the Planning Advisory Board in the fulfillment of its duties shall be furnished by the Department [[of Planning and Zoning]]. All meetings of the >>Planning Advisory<< Board shall be held in a public place and shall be open to the public. Six [[6]] members of the >>Planning Advisory<< Board shall constitute a quorum, and, except as otherwise provided, decisions may be made by majority vote of the members present at a meeting at which a quorum is present. The Planning Advisory Board may prescribe other rules for the conduct of its affairs. The Chairperson, or in his or her absence, the >>Vice<<</p>

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	<p>[[Acting]] Chairperson, may administer oaths and compel the attendance of witnesses in the manner prescribed for the attendance of witnesses in the County Court. The Planning Advisory Board shall keep minutes of its proceedings and records of its other official actions, showing the vote of each member on each question. If a member is absent or fails to vote, the record shall indicate such fact. All records shall be filed immediately in the >>office of the<< Department [[of Planning and Zoning office]] and shall be open to the inspection of the public.</p> <p><u>FISCAL IMPACT</u> According to the Department of Regulatory and Economic Resources, the proposed ordinance will not create a fiscal impact to the County.</p>
1G3 & 1G3 (SUB) 171365 171718	<p>ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE NO. 11-64, AS SUBSEQUENTLY AMENDED, FOR AN ADDITIONAL YEAR COMMENCING JULY 12, 2017; PROVIDING FOR A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE 171365]</p>
Notes	<p><u>ISSUE/REQUESTED ACTION</u> Whether the Board should extend the existing amnesty period for an additional year for homeowners to comply with Building Code violations.</p> <p><u>APPLICABLE LEGISLATION/POLICY</u> Ordinance No. 11-64 created the original amnesty period, i.e., a limited exception from civil penalties and liens for building code violations. The amnesty period was for six months. That amnesty period was subsequently extended and modified through Ordinance Nos. 12-06, 12-59, 13-61, 14-66, 15-34 and 16-133.</p> <p>A similar item proposing to extend the amnesty period for auto repair shops to become compliant with applicable building and zoning codes was adopted on first reading at the June 20, 2017 Board meeting (see File No. 171551).</p> <p><u>RELEVANT PRECEDENT/HISTORY</u> The item was adopted on first reading at the June 6, 2017 Board meeting.</p> <p><u>ANALYSIS/FINDINGS</u> In response to a national economic crisis, the Board adopted Ord. No. 11-64 on August 2, 2011 to create a limited exception from civil penalties and liens resulting from Building Code violations upon a homeowner's compliance with the Building Code; that amnesty period was for six months. Through subsequent amendments, the Amnesty Ordinance was amended to clarify its application and extend its term. The current period expires on July 12, 2017.</p> <p>This item proposes to encourage compliance with the Building Code while being mindful of hardship to homeowners facing strict application of the County's system of fines relating to building code violations. As such, the item proposes to extend the amnesty period for an additional year, hoping to incentivize homeowners to become compliant with code violations. If approved, the new one-year period commences on July 12, 2017.</p>

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	<p>According to the social equity statement provided by the Department of Regulatory and Economic Resources (RER), while the number of foreclosure registrations has declined significantly, extending the Amnesty Period can benefit purchasers of distressed homes with multiple violations that are seeking to bring such homes into compliance, which would, in turn, improve the safety and values of surrounding properties.</p> <p>The substitute item (see File No. 171718) differs from the original item in that it requires homeowners seeking amnesty to pay both direct and indirect costs incurred by the County in connection with enforcement of violations at the structure prior to waiver of any and all civil penalties rather than just direct costs.</p> <p><u>FISCAL IMPACT</u> According to RER, by continuing to waive penalties and liens previously assessed by the County, a fiscal impact will continue to occur. The extent of the fiscal impact as a result of the extension will depend on the number of property owners with outstanding violations who elect to correct the violations. The ultimate fiscal impact for the extension cannot currently be estimated.</p>
<p>1G4 171498</p>	<p>ORDINANCE RELATING TO COUNTY EMPLOYEES WHO ARE DISABLED VETERANS; CREATING ARTICLE XI OF CHAPTER 11A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING PAID LEAVE FOR MIAMI-DADE COUNTY AND PUBLIC HEALTH TRUST EMPLOYEES TO RECEIVE REEXAMINATION OR TREATMENT FOR MILITARY-SERVICE-CONNECTED DISABILITIES; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A REPORT CONTAINING DRAFT PROPOSED AMENDMENTS TO THE COUNTY LEAVE MANUAL AND IMPLEMENTING ORDER CONSISTENT WITH THIS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p>
<p>Notes</p>	<p><u>ISSUE/REQUESTED ACTION</u> Whether the Board should approve an ordinance creating Article XI of Chapter 11A of the Code of Miami-Dade County, Florida, establishing a policy affording County and Public Health Trust employees who are disabled military veterans paid leave to receive re-examination or treatment for military-service-connected disabilities.</p> <p><u>APPLICABLE LEGISLATION/POLICY</u> The proposed ordinance would create Article XI of Chapter 11A of the Code of Miami-Dade County.</p> <p><u>RELEVANT PRECEDENT/HISTORY</u> The item was adopted on first reading at the June 20, 2017 Board meeting.</p> <p><u>ANALYSIS/FINDINGS</u> According to statistics from the United States Census Bureau, the veteran population in Miami-Dade County is estimated at 56,367 in the years between 2011 and 2015. The United States and the State of Florida provide paid leave for employees with military-service-connected disabilities. This item would establish paid disabled veterans leave for employees of Miami-Dade County and the Public Health Trust to receive reexamination or treatment for military-service-connected disabilities.</p>

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	<p>Under the ordinance, the County Mayor or County Mayor's designee is directed to prepare and submit to the Board within 60 days of the effective date of this ordinance a report containing all proposed rules or policies consistent with the requirements of this ordinance, including a draft Implementing Order and draft amendments to the Miami-Dade County Leave Manual, and to place the report on an agenda of the Board pursuant to Ordinance No. 14-65, and for the purpose of providing this Board an opportunity to sponsor an agenda item accepting, amending, or rejecting any proposed rules or policies pursuant to Section 2-42(19) of the Code, the Miami-Dade County Personnel Rules for the Classified Service (Chapter VI), and BCC Rule 5.05(b)(1).</p> <p><u>Input from Human Resources Department</u></p> <p>There is no operational impact for the Human Resources Department (HR) to administer this ordinance. There should be no additional costs to the County because the 24 hours to be granted to employees who would be eligible would already be budgeted as part of their regular 2,080 hours for the year (FTE).</p> <p>HR would however have to present this paid leave requirement to all unions as a proposal during the upcoming negotiations for the 2017-2020 collective bargaining agreements. This benefit would only be available to bargaining unit employees if the unions accept this and agree to add it to their CBAs as part of negotiations.</p> <p>Italicized below is a copy of the proposed ordinance.</p> <p><i>ARTICLE XI. – PAID LEAVE FOR MIAMI-DADE COUNTY AND PUBLIC HEALTH TRUST EMPLOYEES WHO ARE DISABLED VETERANS</i></p> <p><i>Sec. 11A-90. An employee of Miami-Dade County or the Public Health Trust who has been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a disability connected to military service and has been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability shall be granted paid leave for such reexamination or treatment without loss of pay or benefits. However, all paid leave credited to an employee under this article may not exceed 24 hours per calendar year, inclusive of all disabilities. This leave shall apply to all full-time non-bargaining unit employees and to all other full-time employees covered by collective bargaining agreements whose agreements explicitly provide for this benefit for the employee.</i></p> <p><i>Sec. 11A-91. An employee who has a part-time or seasonal work schedule shall receive a proportionally equivalent amount of disabled veterans leave based upon the hours in the employee's work schedule, as determined by the Directors of Human Resources for Miami-Dade County and the Public Health Trust.</i></p> <p><i>Sec. 11A-92. Any leave credited to an employee pursuant to this article that is not used during the calendar year shall be forfeited and may not be carried over.</i></p> <p><i>Sec. 11A-93. Employees on paid leave pursuant to this article shall be paid for the number of regularly scheduled work hours from which they are excused.</i></p> <p><i>Sec. 11A-94. To verify that an employee is eligible for the leave pursuant to this article, such employee shall submit to his or her agency or department head or designee, in such form and manner as the Directors of Human Resources for Miami-Dade County and the Public Health Trust may prescribe, documentation that such employee has been rated by the United States Department of Veterans Affairs</i></p>

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	<p><i>or its predecessor or successor to have incurred a military-service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability.</i></p> <p><i>Sec. 11A-95. The Director of Human Resources for Miami-Dade County may propose such rules and policies necessary to carry out the purpose of this article, including, but not limited to, notification requirements for employees requesting leave, employee eligibility, determination of the amount of leave to be granted to part-time and seasonal employees, and documentation requirements, by preparing and submitting any proposed amendments to the Miami-Dade County Employee Leave Manual or Implementing Orders to the Board of County Commissioners for its action to accept, amend, or reject.</i></p> <p><i>Sec. 11A-96. The Director of Human Resources for the Public Health Trust shall be responsible for issuing rules and policies applicable to Public Health Trust employees that are necessary to carry out the purpose of this article.</i></p> <p><i>Sec. 11A-97. The Miami-Dade County Employee Leave Manual and the Public Health Trust Employee Leave Manual shall be amended to include rules or policies consistent with the requirements of this Ordinance.</i></p> <p><u>FISCAL IMPACT</u> No fiscal impact has been determined.</p>
3A 171576	RESOLUTION APPROVING EXTENSION OF 2017 REAL AND PERSONAL PROPERTY TAX ROLLS AND ISSUANCE OF TAX BILLS PRIOR TO COMPLETION OF THE VALUE ADJUSTMENT BOARD HEARINGS
Notes	<p><u>ISSUE/REQUESTED ACTION</u> Whether the Board should approve extending the 2017 real and personal property tax rolls and issuance of tax bills prior to completion of the Value Adjustment Board hearings.</p> <p><u>APPLICABLE LEGISLATION/POLICY</u> Section 197.323 of the Florida Statutes, which provides for the extension of roll during adjustment board hearings.</p> <p><u>RELEVANT PRECEDENT/HISTORY</u> See Resolution No. R-844-16, which approved the extension of 2016 real and personal property tax rolls and issuance of tax bills prior to completion of the Value Adjustment Board hearings.</p> <p><u>ANALYSIS/FINDINGS</u> This is a ministerial item that was approved last year under the same rationale. The Property Appraiser will not have completed final certification to the Tax Collector of the 2017 Real and Tangible Personal Property Tax Rolls until after the Value Adjustment Board concludes all of its hearings. In order to continue the orderly funding of all taxing authorities, tax bills must be mailed on or before November 1. Florida law authorizes the Board upon request of the Tax Collector to order the roll extended prior to completion of the Value Adjustment Board hearings, if completion of such hearings is the only reason for a delay in the issuance of the tax bills beyond November 1.</p>

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	<p>For any parcel for which tax liability is subsequently altered as a result of the hearings, the Tax Collector shall resolve the matter following the statutory procedures used for correction of errors.</p> <p><u>FISCAL IMPACT</u> Approval of the extension has no fiscal impact to the County. However, the failure to approve the extension could lead to delays in the distribution of property taxes to the various taxing authorities, and could affect the discount period for payment of taxes by property owners.</p>
<p>3C 171399</p>	<p>RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF SUPPLEMENTAL AGREEMENT NO. 5 TO THE OVERTOWN TRANSIT VILLAGE RESTAURANT DEVELOPMENT AND OPERATING AGREEMENT WITH FOOD LINE SERVICES, INC., FOR PROPERTY LOCATED AT 701 NW 1 COURT, MIAMI, EXTENDING THE TERM OF THE AGREEMENT ON A MONTH-TO-MONTH BASIS, WITH ANTICIPATED MONTHLY RENTAL REVENUE OF \$1,206.00 BASED ON TWO AND ONE-HALF PERCENT OF THE MONTHLY GROSS SALES AND AMENDING CERTAIN TERMS OF THE AGREEMENT TO WAIVE THE CONTRACTORS OBLIGATION TO PAY UTILITY COSTS, WITH A FISCAL IMPACT TO THE COUNTY OF \$654.00 PER MONTH; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SUPPLEMENTAL AGREEMENT AND EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF SUPPLEMENTAL AGREEMENT NO. 5 TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF ITS EXECUTION</p>
<p>Notes</p>	<p><u>ISSUE/REQUESTED ACTION</u> Whether the Board should approve the execution of Supplemental Agreement No. 5 with Food Line Services Inc. for operation of a food services facility at the Overtown Transit Village Towers. Such approval would do the following:</p> <ul style="list-style-type: none"> (1) Authorize the retroactive extension of the term of the Operating Agreement on a month-to-month basis, commencing June 23, 2017; (2) Authorize the reduction of the guaranteed monthly rent from five percent of the monthly gross sales receipts to two and one-half percent of the monthly gross sales receipts, commencing June 23, 2017; (3) Waive Article 12 of the Operating Agreement, as modified by Supplemental Agreement No. 3, which requires the Contractor to pay additional rent in the amount of two percent of gross receipts in excess of the gross sales receipts exceeding \$750,000.00; and (4) Waive Article 40, which requires the Contractor to pay for utility services, during the extension period. <p><u>RELEVANT PRECEDENT/HISTORY</u> In October 2009, via Supplemental Agreement No. 1, Food Line was granted a rental abatement for a period of 12 months to offset the additional \$30,000.00 it paid in required impact fees for the construction of the restaurant. The impact fees were the responsibility of the County as owner of the building.</p> <p>Supplemental Agreement No. 2 authorized the exercise of the first of two, two-year optional renewal terms as well as a rental abatement for a period of 14 months, representing the period of time for the restaurant's build-out.</p>

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	<p>Supplement Agreement No. 3 authorized the exercise of the second optional renewal term and modified the rental terms by reducing the monthly guaranteed rent to compensate Food Line for losses resulting from the south tower's lack of occupancy, additional construction expenses paid on behalf of the County and downtime due to construction delays.</p> <p>Supplemental Agreement No. 4 authorized the expansion of the space occupied by Food Line and set the associated rental terms for the additional space.</p> <p>The proposed Supplemental Agreement No. 5 will authorize an extension of the term of the Operating Agreement on a month-to-month basis, with the option by either party to cancel after four months of the extended period, and will modify the monthly guarantee and percentage monthly gross receipts terms and conditions as mentioned above. The extended term is necessary to ensure continued food services at the Overtown Transit Village Towers (OTV), while the re-procurement process is finalized and a new contract is awarded and approved by the Board.</p> <p><u>ANALYSIS</u></p> <p>The County is proposing to reduce the required guaranteed monthly rent from five to two and one-half percent of the monthly gross sales receipts to ensure continued food services at OTV. According to the Bid Tracking System, the current contract expired on June 22, 2017. The County has re-solicited these services and is currently evaluating the proposals received. It is anticipated that a new contract will be awarded in Fall 2017.</p> <p><u>FISCAL IMPACT</u></p> <p>The monthly revenue to the County through the end of the lease term was approximately \$3,374.00, which was based on five percent of the monthly gross sales. The proposed revenue to the County during the month-to-month lease extension period is estimated to be \$1,206.00 per month, which represents two and one-half percent of the average monthly gross sales receipts, based on the Contractor's average monthly gross sales of \$48,246.00. The estimated monthly utility cost to the County will be approximately \$654.00, based on current use, which will be paid from the rent collected from the restaurant. Waiving Article 12 regarding the payment of percentage rent should have no fiscal impact as gross sales have never reached \$750,000.00.</p>
3D 171463	RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00160 TO CORVEL HEALTHCARE CORPORATION FOR DELIVERY OF A COMPREHENSIVE CLAIMS MANAGEMENT SYSTEM AND ASSOCIATED CLAIMS SERVICES FOR WORKERS COMPENSATION AND LIABILITY PROGRAMS FOR THE INTERNAL SERVICES DEPARTMENT IN AN AMOUNT OF UP TO \$28,383,000.00 FOR THE INITIAL FIVE-YEAR TERM AND TWO, FIVE-YEAR OPTIONS TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38
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	<p>Whether the Board should approve Contract No. RFP-00160 to Corvel Healthcare Corporation for delivery of a comprehensive claims management system and associated claims services for workers compensation and liability programs for the Internal Services Department in an amount of up to \$28,383,000 for the initial five-year term and two, five-year options to renew.</p> <p><u>APPLICABLE LEGISLATION/POLICY</u> Section 2-8.1 of the Code (Contracts and Purchases Generally) and Implementing Order No. 3-38, governing the authority to award and modify contracts.</p> <p>See Florida Statutes Section 440.19, setting forth Workers' Compensation procedures.</p> <p><u>ANALYSIS</u> The County issued a solicitation to obtain proposals from experienced and qualified firms to obtain a comprehensive claims management and related services to replace two (2) Miami-Dade County contracts. The first is Contract No. RFP742, Risk Management Information System, which provides the existing claims processing system. The second is Contract No. BW9759-2/26, Workers Compensation Medical Bill Review, Preferred Discount Program and Electronic Data Interface Services, which provides bill review services for workers compensation claims. Consolidation allows the County to gain efficiencies through the automation of processes and use of a single technology platform, improving reporting, data integrity, and tracking capabilities.</p> <p>This award will leverage additional savings by bringing multiple systems under one system, merging the current individual systems used for workers compensation, liability, subrogation and safety. Increased automation will allow adjusters more time to investigate, assess and negotiate claims. The preferred provider discount program includes providers that are evaluated and credentialed by the Contractor and offers services at pre-negotiated, discounted rates to employee groups.</p> <p>Of the \$1,000,000 allocation for the current option term for RFP742, \$57,000 has been released. Of the \$4,300,000 allocated for the current term for BW9759-2/26, \$3,700,000 has been released.</p> <p><u>Input from the Risk Management Division of the Internal Services Department</u> A successful Workers Compensation PPO network provides or arranges for the coordination and delivery of services under the WC Law to diagnose, treat and rehabilitate employees requiring medical treatment for an occupational disease or injury arising out of the course of employment. In 2013, RMD initiated a review of its PPO penetration using Florida State average and realized that there was room for improvement. The program was operating at a 49% PPO penetration rate using the RIMIS provider who accessed a third party system. The Florida State average at the time was 68%. In 2014, an open and competitive bid process resulted in a direct relationship with CorVel allowing a change to manage the network directly.</p> <p>Prior to 2014 the PO/Budget was estimated off of a network third party relationship that was not achieving discounts or using providers within the network. In 2014 MDC PPO costs for savings was at \$863,352.91 and MDC return on investment saving \$3,453,257. This increase was based on tail files now migrated to the network with the direct deal. In 2015 MDC PPO costs for savings were \$742,109 and MDC return on investment savings were \$2,969,552.40. In 2016 MDC PPO costs were 654,934.68 and MDC savings were 2,622,446.63. With an increase in channeling the PPO reached 82%.</p>

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	<p>Additionally, Preferred Providers were nominated and contracted within the network. MDC County's education to the adjusters and enforcement of utilizing the direct Network raised the PPO penetration from 49% to 82% with an average of 79%. Currently, the Florida State average is 69%.</p> <p>Letters of agreements above fee scheduled now require RMD approval. Providers outside of the network were recruited. Network report management review is performed monthly. The vendor CorVel receives 25% of contracted savings below fee schedule from the PPO. The county maintains 75% of the achieved savings driven from the PPO. It is reflected as an invoice based agreement but county savings would not be achieved without increasing PPO usage, adding physicians, and enforcing channeling. The current return on investment savings is for every \$1.00 spent the county saves \$57.00.</p> <p><u>FISCAL IMPACT</u></p> <p>The fiscal impact for the five-year term is \$9,461,000. Should the County exercise the two, five-year options to renew, the estimated cumulative value will be \$28,383,000. Contract No. RFP742 is valued at \$3,335,872 and expires October 31, 2021. Contract No. BW9759-2/26 is valued at \$4,289,024 and expires on October 31, 2017. Should this contract be approved, Contract No. RFP742 will be terminated for convenience following the implementation of the new system. The value of the new contract is based on the number of claims processed. Due to changes in state legislation pertaining to workers compensation related to first responders, an increase in claims volume is anticipated.</p>
3E 171581	<p>RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$651,000.00 FOR CONTRACT NO. EPP6118-0/18 FOR RENTAL OF PORTABLE CHEMICAL TOILETS FOR MULTIPLE COUNTY DEPARTMENTS</p>
Notes	<p><u>ISSUE/REQUESTED ACTION</u></p> <p>Whether the Board should authorize additional expenditure authority in a total amount up to \$651,000 for Contract No. EPP6118-0/18 for the rental of portable chemical toilets for multiple County departments.</p> <p><u>APPLICABLE LEGISLATION/POLICY</u></p> <p>Section 2-8.1 of the Code (Contracts and Purchases Generally) and Implementing Order No. 3-38, governing the authority to award and modify contracts.</p> <p><u>ANALYSIS</u></p> <p>The County awarded this competitively established contract on December 31, 2013 for a five-year term under the County Mayor's delegated authority. The two awarded vendors are local businesses. County departments use this contract to rent portable chemical toilets, including cleaning services. The portable chemical toilets provide restroom facilities for County employees and tenants working in remote areas. The portable chemical toilets are also used during special events or where County facilities are being renovated.</p> <p>The departments requesting additional expenditure authority will use the additional funds to support their operational needs through the remainder of the contract term. The departmental requests will be applied as follows:</p> <p>1) The Miami-Dade Aviation Department is requesting \$394,000. The department's original allocation was based on estimated usage. Since award of this contract, Aviation has received increased requests for</p>

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	<p>additional cleaning services for the portable toilets that are used by tenants and employees in areas where permanent facilities are not available or easily accessible due to security restrictions. The current contract includes three cleanings per week, which will be increased to four additional cleanings per week. In addition, new renovations are underway on several airport concourse terminals that require the rental of toilets. The department serves Miami International, Kendall-Tamiami Executive, Opa-Locka General Aviation, Homestead General Aviation, Homestead Regional, and Dade-Collier Training and Transition airports.</p> <p>Of the \$124,000 allocated to the department for the term, \$123,964 has been released.</p> <p>2) The Miami-Dade Fire Rescue Department is requesting \$2,000. The department's original allocation was insufficient to support services during hurricane season. The department utilizes this contract during pre-activation and activation scenarios, and the increase in multi-agency training exercises and training division classes require the rental of additional portable chemical toilets for the remainder of the contract term. Of the \$7,000 allocated to the department for the term, \$4,849 has been released.</p> <p>3) The Miami-Dade Parks, Recreation and Open Spaces Department is requesting \$40,000. Since award of this contract, the department experienced the merger of Public Works (Causeway Division) and the Guard Houses Special Taxing Districts. Due to this merger and the renovation of the Crandon Park restrooms, from July 2015 to February 2017, the department rented numerous portable chemical toilets to be placed at the construction site. Of the \$103,138 allocated for the term, \$103,069 has been released.</p> <p>4) PortMiami is requesting \$150,000. The department has reviewed its past, current and future projections, and anticipates the need for allocation of additional funds to maintain rental services for use by cruise passengers. Of the \$550,000 allocated for the term, \$500,000 has been released.</p> <p>5) The Miami-Dade Department of Transportation and Public Works is requesting \$65,000. The department's original allocation was insufficient to cover services for the contract term. The department installed a number of portable chemical toilets at various construction sites and at bus stations where city or intercity buses pick up and drop off passengers. The additional allocation requested will be used to pay for the portable toilets and additional cleaning services. Of the \$47,136 allocated for the term, \$46,759 has been released.</p> <p>The aforementioned releases reflect data in the Bid Tracking System on July 10, 2017.</p> <p><u>FISCAL IMPACT</u></p> <p>The contract term expires on December 31, 2018. The contract has a current cumulative allocation of \$994,000. If this request is approved, the contract will have a modified cumulative value of \$ 1,645,000. The requested increase in expenditure will allow for the rental of additional toilets needed, ensuring continuity services.</p> <p>Note that the contract was established with an allocation of \$478,500. Since establishment, the contract was modified multiple times, totaling \$515,000. That resulted in the contract's current allocation of \$993,500.</p>

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3G 171596	RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$16,306,000.00 FOR PREQUALIFICATION POOL NO. 6276-1/19-1 FOR PURCHASE OF SECURITY ALARM AND CARD ACCESS SYSTEMS
Notes	<p><u>ISSUE/REQUESTED ACTION</u> Whether the Board should authorize additional expenditure in a total amount up to \$16,306,000 for Prequalification Pool No. 6276-1/19-1 for purchase of security alarm and card access systems for multiple County departments.</p> <p><u>APPLICABLE LEGISLATION/POLICY</u> Section 2-8.1 of the Code (Contracts and Purchases Generally) and Implementing Order No. 3-38, governing the authority to award and modify contracts.</p> <p><u>ANALYSIS</u> This pool was approved by the Board in December 2009 for a five-year term with one (1), five-year option to renew. County departments use this pool to purchase security alarms, card access systems and parts, installation and repair services. This pool includes two groups: Group A is for purchase of security alarm and card access systems, which is inclusive of the hardware, software and card readers, and Group B is for the installation services of Group A. There are 27 prequalified vendors, of which 25 have a local office.</p> <p>The departments requesting additional expenditure authority will use these additional funds to cover unanticipated costs to support capital improvement programs, replace end-of-life equipment, comply with U.S. Department of Homeland Security audits and recommendations for security control access, and comply with Presidential Directives 21 and 7 for Critical Infrastructure Protection, as detailed below.</p> <p>(1) The Water and Sewer Department is requesting \$15,851,000 to cover the costs of the Security Video Surveillance Network and Access Control projects to be implemented at several water treatment plants, and to upgrade Closed Circuit Television and other types of security systems at pump station locations throughout the County. At the time this pool was established, the Water and Sewer did not anticipate these expenses. The additional expenditure authority is necessary to comply with the audit findings from the Vulnerability Assessment performed pursuant to House Resolution Bill 3448 Public Health Security and Bioterrorism Preparedness and Response Act. The U.S. Department of Homeland Security audit recommendations include end-of-life equipment replacement, engineer design management, implementation of new security systems and replacement of intrusion alarm systems at facilities requiring central station monitoring.</p> <p>Of the \$1,250,000 allocated to the department for this option term, \$711,788 has been released.</p> <p>(2) The Miami-Dade Police Department is requesting \$300,000 to cover the cost of keyless entry and card-access projects needed to support operations in various locations. At the time this pool was established, the department did not forecast these needs. Of the \$525,000 allocated to the department for this option term, \$308,758 has been released.</p> <p>(3) PortMiami is requesting \$155,000 to ensure availability of funds until the pool's expiration. Ongoing capital improvement programs include expansion of an existing cruise terminal, along with maintenance of existing office buildings and parking garages that will require the purchase of additional parts and</p>

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	<p>services for existing security alarm and card access systems. At the time this pool was established, the department requested an allocation based on its needs for the initial term. This additional allocation request is based on review of the expenditure history and available balance. Of the \$460,000 allocated to the department for this option term, \$302,609 has been released.</p> <p>The aforementioned releases reflect data in the Bid Tracking System on July 10, 2017.</p> <p><u>FISCAL IMPACT</u></p> <p>The pool term expires on December 31, 2019. The pool has a current cumulative allocation of \$27,275,000. If this request for \$16,306,000 is approved, the pool will have a modified cumulative value of \$43,581,000. The requested increase in expenditure authority is based on anticipated needs during the remaining pool term. Note that the current option term is valued at \$13,680,000.</p>
<p>3H 171638</p>	<p>RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$369,000.00 FOR CONTRACT NO. IB-00166 FOR PURCHASE OF BOTTLED WATER, DISPENSERS, AND BOTTLELESS WATER FILTRATION UNITS FOR MULTIPLE COUNTY DEPARTMENTS</p>
<p>Notes</p>	<p><u>ISSUE/REQUESTED ACTION</u></p> <p>Whether the Board should approve additional expenditure authority in a total amount up to \$369,000 for Contract No. IB-00166 for purchase of bottled water, dispensers and bottleless water filtration units for multiple County departments.</p> <p><u>APPLICABLE LEGISLATION/POLICY</u></p> <p>Section 2-8.1 of the Code (Contracts and Purchases Generally) and Implementing Order No. 3-38, governing the authority to award and modify contracts.</p> <p><u>ANALYSIS</u></p> <p>The departments are requesting \$369,000 in additional expenditure authority for the purchase of spring and distilled bottled water and dispensers and filtration units at various County locations. The County awarded this competitive contract on August 1, 2015 for a five-year term under delegated authority. The awarded vendor – Nestle Waters North America, Inc. – has a local office. County departments use this contract to purchase bottled water provided under Group 1 to support field operations, where no other source of water is available for staff. Bottled spring water may also be used in emergency response operations, where employees may be precluded from leaving their post or when required to remain on-site for extended periods of time. The bottleless water filtration units provided under Group 2 are used to provide purified drinking water for County staff via a filtration system plumbed directly into hot and cold water lines.</p> <p>Additional expenditure authority is needed by the following departments to avoid interruption of bottled water services, in preparation for the upcoming hurricane season, and throughout the remaining contract term. There is a need for increased expenditure as the departments underestimated their needs under the contract.</p> <p>1) The Administrative Office of the Courts is requesting \$69,000 in additional expenditure authority for continuity of services through contract expiration. The Administrative Office of the Courts spends</p>

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	<p>roughly \$2,500 monthly under this contract. Of the \$86,500 allocated to the office, \$66,000 has been released thus far.</p> <p>2) The Office of the Clerk of Courts is requesting \$56,000 in additional expenditure authority to service 42 Clerk of Court locations throughout the County, including two new facilities. Of the \$80,000 allocated for this term, \$61,158 has been spent.</p> <p>3) The Internal Services Department is requesting \$43,000 in additional expenditure authority to ensure continuity of services for the Fleet Management and Parking Operations Divisions for the duration of the contract term. Fleet Management needs \$31,000 to ensure sufficient allocation is available and Parking Operations needs \$12,000 to purchase bottled water for field representatives, not initially anticipated in the contract. Of the \$89,658 allocated for the term, \$47,156.49 has been released.</p> <p>4) The Police Department is requesting \$43,000 in additional expenditure authority to fulfill water orders for the Special Patrol Bureau, Miami-Dade Police Training Institute, Narcotics Bureau, and Agricultural Patrol District for the remaining contract term and in preparation for potential storms. Of the \$74,500 allocated for the term, \$33,096.55 has been released.</p> <p>5) The Department of Transportation and Public Works is requesting \$158,000 in additional expenditure authority to allow the department to continue servicing the existing 23 locations as well as two (2) new locations. Of the \$128,200 allocated for the term, \$115,000 has been released.</p> <p>The aforementioned releases reflect data in the Bid Tracking System on July 10, 2017.</p> <p><u>FISCAL IMPACT</u></p> <p>The contract term expires on July 31, 2020 and has an existing allocation of \$956,600. If this request for \$369,000 is approved, the contract will have a modified value of \$1,325,600. The requested increase in allocation is based on projected monthly expenditures for the remaining months of the contract.</p>
<p>3I 171642</p>	<p>RESOLUTION AUTHORIZING ADDITIONAL TIME OF FIVE YEARS AND EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$525,000.00 FOR PREQUALIFICATION POOL NO. 2550-0/17 FOR PURCHASE OF DERELICT VESSEL REMOVAL AND DISPOSAL SERVICES FOR THE REGULATORY AND ECONOMIC RESOURCES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS</p>
<p>Notes</p>	<p><u>ISSUE/REQUESTED ACTION</u></p> <p>Whether the Board should authorize additional time of five years and expenditure authority in a total amount up to \$525,000 for Prequalification Pool No. 2550-0/17 for purchase of derelict vessel removal and disposal services for the Regulatory and Economic Resources Department.</p> <p><u>APPLICABLE LEGISLATION/POLICY</u></p>

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	<p>Section 2-8.1 of the Code (Contracts and Purchases Generally) and Implementing Order No. 3-38, governing the authority to award and modify contracts.</p> <p>Also see Florida Statutes Sections 705.103 (Procedure for Abandoned or Lost Property) and 823.11 (Derelict Vessels; Relocation or Removal).</p> <p><u>ANALYSIS</u></p> <p>The Regulatory and Economic Resources Department (RER) is requesting five additional years and \$525,000 in additional expenditure authority in order to continue obtaining services for the removal and disposal of derelict vessels and associated debris.</p> <p>The County established this prequalification pool under delegated authority on April 10, 2012 for a five-year term, which has been administratively extended by six months with prorated expenditure authority. RER uses this pool to remove and dispose of vessels and debris that are left, stored or abandoned in a wrecked, junked, inoperative or partially dismantled condition, in public waters. In order to be removed, the vessel must be properly noticed in accordance with the provisions of Fla. Stat. 705.103, or authorized by a law enforcement officer to be removed pursuant to Fla. Stat. 823.11. There are five prequalified vendors; all of them have local offices. A review of the Small Business Development Certified Firms List for July 10, 2017 shows that multiple firms have registered under the commodity code for these services – 91027.</p> <p><u>FISCAL IMPACT</u></p> <p>The pool was established with an allocation of \$350,000. The current term expires on October 31, 2017 and has a cumulative allocation of \$552,000. The cumulative value reflects the following: a modification under delegated authority for \$175,000 in additional expenditure authority, and a prorated allocation of \$26,250 for the six-month extension. If this request is approved, the pool will have a modified cumulative value of \$1,077,000 and will expire on October 9, 2022. The requested allocation for the extension period is based on anticipated expenditures.</p>
<p>3J 171541</p>	<p>RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING EMERGENCY CONTRACT NO. E9821-PD FOR \$301,000.00 FOR SONIC BOXES FOR THE POLICE DEPARTMENT; CONTRACT NO. E9425-WS FOR \$607,000.00 FOR PIPE REPAIR SERVICES FOR THE WATER AND SEWER DEPARTMENT; AND CONTRACT NO. E8423-0/13 FOR \$600,000.00 FOR PARTS, UPGRADES AND SUPPORT SERVICES FOR THE MATRIX SECURITY SYSTEM FOR THE AVIATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38</p>
<p>Notes</p>	<p><u>ISSUE/REQUESTED ACTION</u></p> <p>Whether the Board should waive competitive bidding procedures and ratify the following emergency contracts: (1) No. E9821-PD for \$301,000 for sonic boxes for the police department; (2) No. E9425-WS for \$607,000 for pipe repair services for the Water and Sewer Department; and (3) No. E8423-0/13 for \$600,000 for parts, upgrades and support services for the matrix security system for the Aviation Department.</p>

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	<p><u>APPLICABLE LEGISLATION/POLICY</u></p> <p>Section 2-8.1 of the Code (Contracts and Purchases Generally) and Implementing Order No. 3-38, governing the authority to award and modify contracts.</p> <p>More specifically, Implementing Order No. 3-38 provides that “an emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order, including a bid waiver. In the event a department director or authorized designee determines that an emergency purchase is necessary, a contract may be awarded without utilizing the competitive bid procedures regardless of the amount of expenditure. Within five (5) working days after the purchase, the County department shall submit the post award requisition to ISD specifying the circumstances which justified the emergency contract award. When the expenditure is in excess of \$250,000, the ISD Director shall forward the documented circumstances to the County Mayor for presentation to the Board of County Commissioners for ratification.”</p> <p>Also see Resolution No. R-454-13, directing the administration to bring emergency contract ratifications to the Board within 120 days of such emergency.</p> <p><u>ANALYSIS</u></p> <p>The administration is recommending ratification of three emergency contract awards totaling \$1,508,000. Approval will require a two-thirds vote of the members present as the purchases were made outside of the standard competitive procurement process. The emergency transactions were for critical services rendered to the Aviation, Police, and Water and Sewer Departments. The transactions were discovered as a result of a periodic self-audit conducted by the Procurement Management Services Division of the Internal Services Department. The self-audit consists of a system-generated report identifying emergency purchases and requires consultation and fact-finding with client departments. The emergency awards are described below.</p> <p>1) E8423-0/13, Matrix Security System - Emergency Bridge: This five-month emergency contract, valued at \$600,000, was awarded to Matrix Systems, Inc. to establish a gap contract for repairs, parts, upgrades and support services for the Matrix Security System used by the Aviation Department. The existing sole source contract, SS8423-1/12-1, was scheduled to expire on September 30, 2012, and staff was in negotiations to finalize a long-term replacement contract. To ensure continuity of services for this critical security system until a replacement contract was awarded, the department requested this emergency gap contract, which it approved on October 1, 2012. The terms and pricing for this contract were based upon the negotiated terms and pricing for the long-term contract, SS8423-2/27, which expires on February 28, 2018.</p> <p>2) E9821-PD, Intrado Sonic Boxes/CB: This one-time purchase, valued at \$301,000, was awarded to Intrado Systems Corp to purchase sonic boxes for the Police Department. The department’s Communications Bureau utilizes the Power 911 System provided by Intrado Systems Corporation to process all emergency calls. The system was undergoing a migration from Microsoft to a Windows 7 platform, requiring the purchase of sonic boxes, i.e., external devices required for operation within a Windows 7 environment. Immediate migration to Windows 7 for security reasons was required. Without the purchase of sonic boxes to connect the 911 services to the computers, all computers located in the 911 Emergency Call Center were at risk of becoming inoperable and uncommunicable with 911</p>

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	<p>applications. Due to the time constraints and safety issues involved, the Police Department declared this as an emergency purchase on September 15, 2014.</p> <p>3) E9425-WS, Emergency Repair of 72" PCCP Force Main Pipe: This one-time purchase, valued at \$607,000, was awarded to Lanzo Construction Co., Florida, for repair services for the Water and Sewer Department. On or around June 18, 2010, Water and Sewer Department personnel were alerted to and confirmed that a 72" sewer force main pipe ruptured at the County's North District Wastewater Treatment Plant. Subsequently, the Water and Sewer Department Director declared an emergency to protect the health and welfare of the surrounding community's residents. Several contractors were invited to assess the situation, a scope was developed, and the project was bid to several contractors. Three competitive bids were received and an award was made to the lowest-priced responsive, responsible bidder. This award was approved on October 20, 2010. The scope of the project entailed replacement and rehabilitation of the affected wastewater force main pipe, while temporarily diverting the sewage that would normally flow through the affected area. Response time was critical and required an expedited emergency process. The awarded vendor supplied all labor, materials and equipment for removal, repair and restoration of a 72" pre-stressed concrete cylinder pipe wastewater force main and a 12" ductile iron water main, including all necessary sheeting, shoring and stabilization of all affected ground area. The vendor, Lanzo, is considered local due to reciprocity of local preference with Broward County as the vendor's principal address is in Deerfield Beach.</p> <p><u>FISCAL IMPACT</u></p> <p>The fiscal impact for this item is \$1,508,000, representing the total of the above-mentioned emergency contracts.</p>